

New Title

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APAAC Council Feb. 21

Support

Bill Summaries

H2062: CHILD PROTECTIVE SERVICES; DUTIES

The primary purpose and duties of Child Protective Services are modified. CPS is required to investigate reports of child abuse and neglect; assess, promote and support the safety of a child in a safe and stable family; work cooperatively with law enforcement regarding reports that include criminal conduct allegations; and coordinate services to achieve permanency on behalf of the child, without compromising child safety.

First sponsor: Rep. E. Farnsworth

H2164: LASER POINTER; AIRCRAFT; VIOLATION

A person commits aiming a laser pointer at an occupied aircraft if the person intentionally or knowingly directs the beam of light from a "laser pointer or laser emitting device" (defined) at an aircraft and the person knows or reasonably should know that the aircraft is occupied. Aiming a laser pointer at an occupied aircraft is a class 3 (mid-level) misdemeanor if the person is under 19 years of age, and is a class 5 (second-lowest) felony if the person is at least 19 years of age, except that if it renders the pilot unable to safely operate the aircraft or causes serious physical injury to any person on board it is a class 4 (mid-level) felony. AS PASSED HOUSE.

First sponsor: Rep. Orr

H2306: FINGERPRINT CLEARANCE CARDS; PERIODIC CHECKS

The Department of Public Safety is required, instead of permitted, to conduct periodic state criminal history records checks, and is permitted to conduct periodic federal criminal history records checks when authorized by federal law, for the purpose of updating fingerprint clearance cards. AS PASSED HOUSE.

First sponsor: Rep. J. Pierce

H2309: FIREARMS; PROSECUTORS; LAW ENFORCEMENT OFFICERS

For the purpose of statute prohibiting peace officers from being prohibited to carry firearms except in specified circumstances, the definition of "peace officer" is expanded to include municipal, county and state prosecutors who have received a certificate from the Arizona Peace Officer Standards and Training Board. The requirement for law enforcement agencies to issue a photographic identification stating that an officer has honorably retired from the agency (which may be used to obtain concealed weapons permits) also applies to prosecutorial agencies.

First sponsor: Rep. J. Pierce

H2376: PROHIBITION; TEXTING WHILE DRIVING

It is a nonmoving civil traffic violation to use a handheld wireless communication device to manually write, send or read a written message while operating a motor vehicle. Some exceptions. Violations are subject to a civil penalty of \$50 or \$200 if the person is involved in a motor vehicle accident. Establishes a warning period from January 1, 2015 through January 31, 2015. Effective January 1, 2015.

First sponsor: Rep. Steele

H2453: SYNTHETIC DRUGS; REPORTING

For the purpose of the Criminal Code, the definitions of "dangerous drug" and "narcotic drugs" are expanded to include specified substances. An entity who sells or otherwise furnishes any precursor chemical or regulated chemical to any person in Arizona and is required transactions to report to a federal agency is no longer required to submit a report of the transactions to the Department of Public Safety. Emergency clause.

First sponsor: Rep. E. Farnsworth

H2454: HUMAN TRAFFICKING; PROSTITUTION

Various changes relating to human trafficking. For cases where the minor is 15, 16 or 17 years of age, the minimum, presumptive and maximum sentences are increased for a person who commits child prostitution by causing a minor to engage in prostitution or financing, controlling or owning prostitution activity involving a minor. It is child prostitution to engage in prostitution with a minor who the person should have known, instead of only who the person knows, is 15, 16 or 17 years of age. The list of acts constituting aggravating circumstances for sentencing felony sex trafficking is expanded to include that the defendant recruited, enticed or obtained the victim from a shelter designed to serve victims of human trafficking, domestic violence or sexual assault, or runaways, foster children or the homeless. Child prostitution, sex trafficking, and trafficking of persons for forced labor or services are added to the list of acts that constitute "racketeering." If a person committed acts of prostitution as a direct result of being a victim of sex trafficking, it is an affirmative defense to prosecution for prostitution.

First sponsor: Rep. E. Farnsworth

H2461: PROBATION OFFICERS; AUTHORITY

Statute allowing probation officers to serve warrants, make arrests and bring persons before the court apply in all counties, instead of only in counties with a population of more than 2 million (Maricopa County).

First sponsor: Rep. E. Farnsworth

H2515: UNLAWFUL DISTRIBUTION OF PRIVATE IMAGES

It is a class 5 (second-lowest) felony to knowingly disclose, display, distribute, publish or offer a photograph, digital recording or other reproduction of another person in a state of nudity or engaged in a sexual act without obtaining the written consent of the depicted person. If the depicted person is recognizable, it is increased to a class 4 (mid-level) felony. Some exceptions.

First sponsor: Rep. Mesnard

H2563: JUVENILE CRIME VICTIMS' RIGHTS

Various changes to victims' rights for juvenile offenses, including that a vulnerable adult is added to certain protections granted to a minor. Adds various requirements that victims be given notice of specified rights. A victim's contact and identifying information obtained or reported by a law enforcement agency must be redacted in publicly accessible records pertaining to the criminal case involving the victim, with some exceptions. Statute governing the effect of failure to comply is repealed and replaced. A victim of a delinquent act has the right to receive one copy of the police report from the investigating law enforcement agency at no charge. A juvenile who is adjudicated in a delinquency proceeding is precluded from subsequently denying the essential allegations of the delinquent act in any civil proceeding brought by the victim or the state, including adjudications resulting from no contest pleas.

First sponsor: Rep. J. Pierce

H2567: THEFT OF TRADE SECRETS; OFFENSE

It is a class 5 (second-lowest) felony to take, transmit, alter, destroy, use, copy or purchase a "trade secret" (defined) without permission of the owner.

First sponsor: Rep. J. Pierce

H2591: JOINT POWERS PUBLIC SAFETY COMMITTEE

The chief law enforcement officer from two or more municipalities, Indian tribes or counties are permitted to establish a joint powers public safety committee for the purpose of facilitating the sharing of criminal justice information between law enforcement agencies.

First sponsor: Rep. Kavanagh

H2593: DEATH; POSTCONVICTION; APPELLATE PROCEEDINGS; DISMISSAL

On a convicted defendant's death, the court is required to dismiss any pending appeal or postconviction proceeding. The death does not abate the defendant's criminal conviction or sentence or any restitution, fine or assessment imposed by the sentencing court.

First sponsor: Rep. Allen

H2599: DRUG TREATMENT ALTERNATIVE; PRISON; FUND

Counties are authorized to establish a qualified drug treatment alternative to prison program, which may include transitional housing, mental health and medical care, life and job skills training and job placement. Specifies persons who are eligible to participate in the program and establishes other program requirements. Beginning in FY2016-17, the Legislature is required to appropriate the cost savings to the Department of Corrections based on the number of persons successfully completing the program to the appropriate counties in order to fund the program. Appropriates \$250,000 from the general fund in FY2014-15 and FY2015-16 to the Pima County Drug Treatment Alternative to Prison Fund for use by the Pima County Attorney to establish and maintain a program.

First sponsor: Rep. Steele

H2625: PENALTY ASSESSMENT; VICTIMS' RIGHTS ENFORCEMENT

Increases the penalty assessment levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalties imposed for traffic violations or a violation of game and fish statutes to \$15, from \$13. Increases the amount from each penalty assessment that the city or county treasurer is required to remit to the State Treasurer to \$10, from \$8, and requires \$2 of the assessment to be deposited in the newly established Victim's Rights Enforcement Fund, to be administered by the Department of Public Safety. The Dept is required to distribute monies from the Fund to nonprofit organizations and entities that provide specified services to crime victims and meet other specified requirements.

First sponsor: Rep. Tobin

S1256: CHILDREN; REPORTING; CRIMINAL CONDUCT

For the purposes of Child Protective Services statutes, the definition of "criminal conduct allegation" is expanded to include allegations of conduct by any person who visits or resides in the child's home, and to include a "reportable offense" (defined). If a CPS worker becomes aware of a criminal conduct allegation, the worker is required to immediately report the allegation to the appropriate local law enforcement agency.

First sponsor: Sen. Landrum Taylor

S1342: UNLAWFUL MUTILATION; FEMALE GENITALIA

It is a class 2 felony to "mutilate" (defined) a female who is under 18 years of age, knowingly transport a minor female to another jurisdiction for mutilation or recklessly transport a minor female to another jurisdiction where mutilation is likely to occur. Penalties for unlawful mutilation are prescribed, including that it is added to the list of crimes constituting dangerous crimes against children. Unlawful mutilation is also added to the list of reportable offenses for persons who have a statutory duty to report a reasonable belief that a minor is a victim of those offenses.

First sponsor: Sen. Burges

S1389: MEDICAL MARIJUANA FUND; EDUCATION PROGRAMS

Monies in the Medical Marijuana Fund must be used for programs to discourage marijuana use among the general population, to supplement monies appropriated by the Legislature for health education purposes, and for education programs related to preventing and reducing marijuana use. Monies in the Fund cannot be used for expenditures on capital construction projects, lobbying activities or political campaigns. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Sen. Yee

S1408: MONEY TRANSMITTERS; MONEY LAUNDERING; DEFINITIONS

Updates references to federal law in statutes regulating money transmitters and prohibiting money laundering.

First sponsor: Sen. Murphy

Oppose

Bill Summaries

H2192: VOTING RIGHTS; RESTORATION; FELONIES

For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment.

First sponsor: Rep. Quezada

H2209: JUSTIFICATION; SELF DEFENSE; SENTENCING

The circumstances under which a person is justified in threatening or using physical force or deadly physical force against another are expanded to include when it is "immediately necessary" (in addition to when the person reasonably believes it is immediately necessary) to protect himself, a third person or property. A person's reasonable belief that force is immediately necessary does not need to be the sole motivation for the person's threat or use of physical force or deadly physical force. A person who is lawfully in a place has no duty to retreat before threatening or using physical force or deadly physical force. The possibility of retreat cannot be considered in determining whether the use of force, or its extent, was necessary or whether the person who used force had a reasonable belief that the use was necessary. A person who presents evidence of justification and who is found guilty after a trial is authorized to file a motion for imperfect self-defense before sentence is imposed. If the court grants the motion, the sentencing must be mitigated as specified.

First sponsor: Rep. Borrelli

H2297: JUDICIALLY APPOINTED PSYCHOLOGISTS; COMPLAINTS

The Board of Psychologist Examiners is no longer prohibited from considering a complaint against a psychologist arising out of a judicially ordered evaluation, treatment or psychoeducation of a person charged with a violation of a sexual offense to be unprofessional conduct unless the court finds a substantial basis to refer the complaint to the Board.

First sponsor: Rep. Smith

H2307: SENTENCING; PROBATION

For the purpose of sentencing repetitive felony offenders and dangerous felony offenders, if the presentence report includes a clear and compelling recommendation that the person is seriously mentally ill or has a history of mental illness and would benefit from supervised probation, the court is authorized to suspend the imposition or execution of sentence and place the person on supervised probation.

First sponsor: Rep. J. Pierce

H2333: MEDICAL MARIJUANA FUND; EDUCATION; INTERVENTION

The Department of Health Services is authorized to provide grants from the Medical Marijuana Fund to local police departments to provide school resource officers in high schools to provide drug education and intervention services. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Orr

H2334: UNMANNED AERIAL VEHICLE; EVIDENCE; ADMISSIBILITY

Any picture or information obtained or collected without a search warrant by an "unmanned aerial vehicle" (defined) is inadmissible in any court in Arizona.

First sponsor: Rep. Orr

H2337: MISCONDUCT INVOLVING WEAPONS; APPLICATION

Specifies that a warden, detention officer, special investigator or correctional officer of the Department of Corrections or Department of Juvenile Corrections is only exempt from certain aspects of misconduct involving weapons while in the performance of official duties.

First sponsor: Rep. Barton

H2338: AGGRAVATED ASSAULT; FIREARM

The circumstances under which the commission of assault becomes aggravated assault are expanded to include if the person knowingly takes or attempts to exercise control over a person's lawfully possessed firearm. Aggravated assault for this reason is a class 4 (mid-level) felony. Does not apply to a peace officer who takes or attempts to exercise control over a person's lawfully possessed firearm while engaged in the execution of official duties.

First sponsor: Rep. Barton

H2372: SENTENCING; MINIMUM & MAXIMUM TERMS

Modifies sentencing structure for various felony offenses. The sentences previously used as mitigated sentence terms are established as the new minimum sentence, and those used as aggravated sentence terms are established as the new maximum sentence. The terms mitigated and aggravated are no longer used, and the previous minimum and maximum sentences are deleted. Increases the number of felony convictions necessary for a person to be sentenced as a repetitive offender. Also changes sentencing for violation of parole for drug offenses.

First sponsor: Rep. Gonzales

H2374: PRISONERS; MEDICAL PAROLE

Authorizes the Board of Executive Clemency to release a prisoner on medical parole under specified circumstances, including an incapacitating physical condition or disease, with review and acceptance by the Department of Corrections. Does not apply to prisoners sentenced to death or natural life.

First sponsor: Rep. Gonzales

H2462: LIFE SENTENCE; PAROLE ELIGIBILITY

A person who was convicted of murder for an offense committed before August 8, 1973 and who was sentenced to life in prison is eligible for parole after serving 25 calendar years. Within 30 days after the effective date of this legislation, the Department of Corrections is required to notify all persons who are eligible for parole under this legislation. Contains a legislative intent section. Emergency clause.

First sponsor: Rep. E. Farnsworth

H2463: ARIZONA SENTENCING COMMISSION

Establishes the Arizona Sentencing Commission to collect data and evaluate the effectiveness of Arizona's sentencing practices and policies. Commission membership, initial terms, and powers and duties are specified. The Commission is required to annually submit a report to the chairpersons of the Judiciary Committees of the House of Representatives and the Senate. The Commission terminates on July 1, 2024.

First sponsor: Rep. E. Farnsworth

H2517: FIREARMS; STATE PREEMPTION; PENALTIES

If a political subdivision enacts any ordinance, regulation, tax or rule that violates statute limiting political subdivisions regulating firearms, a court is required to declare the improper act invalid and issue a permanent injunction against the political subdivision from continuing the act. If a court determines that the violation was knowing and wilful, the court is required to assess a civil penalty of up to \$5,000 against the elected or appointed government official or administrative agency head under whose jurisdiction the violation occurred. A person or organization whose membership is adversely affected by an act is permitted to file a civil action against the political subdivision in any court having jurisdiction over any defendant for declaratory relief and actual damages. The court is required to award the prevailing plaintiff in any civil action reasonable attorney fees and the actual damages incurred, up to \$100,000.

First sponsor: Rep. Smith

H2535: CERTIFICATION OF FIREARM TRANSFERS

If a "chief law enforcement officer's" (defined) certification is required by federal law or regulation for the transfer of a firearm, the officer is required to provide the certification within 15 days after receipt of a request if the applicant is not prohibited by law from receiving the firearm or is not the subject of a proceeding that could result in the applicant being prohibited from receiving the firearm.

First sponsor: Rep. Kavanagh

H2538: UNMANNED AERIAL VEHICLES; PROHIBITED

It is a class 6 felony for a law enforcement agent to use an "unmanned aerial vehicle" for any purpose within the airspace of Arizona without first obtaining a search warrant. Any information gained in violation is inadmissible in any civil or criminal trial in Arizona.

First sponsor: Rep. Seel

H2558: MARIJUANA; REGULATION; TAXATION

A person who is at least 21 years of age may possess, consume, use, display, purchase or transport one ounce or less of marijuana, may grow up to five marijuana plants and may possess, process or transport the marijuana produced by the plants on the premises where the plants were grown. Some restrictions. It is unlawful to smoke marijuana in a public place. Establishes regulations for marijuana accessories and retail marijuana stores. Establishes an excise tax on the sale or transfer of marijuana at the rate of \$50 per ounce. Revenues generated by the tax must be used to enforce these regulations, and any remaining monies are distributed as follows: 30 percent to the Department of Education, 20 percent to the Department of Health Services for specified drug programs, and 50 percent to the general fund. The Department of Health Services is required to adopt rules necessary for

implementation. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage.

First sponsor: Rep. Gallego

H2613: SURVEILLANCE DEVICES; LIMITATIONS; VIOLATION

It is criminal trespass in the third degree, a class 3 (mid-level) misdemeanor, to knowingly use a mobile surveillance device to observe individuals or private property without permission. A government agency or law enforcement officer is prohibited from using a "mobile surveillance device" (defined) to observe individuals or private property without permission, except pursuant to a search warrant or during a state of emergency.

First sponsor: Rep. Thorpe

S1062: EXERCISE OF RELIGION; STATE ACTION

For the purpose of statutory protection of exercise of religion, the definition of "exercise of religion" is expanded to mean any practice or observance of religion, and the definition of "person" is expanded to include any individual, association, partnership, corporation, church, estate, trust, foundation or other legal entity (in addition to religious assembly or institution). A person whose religious exercise is burdened in violation of statute may assert that violation as a claim or defense in a judicial proceeding even if the government is not a party to the proceeding, and may obtain appropriate relief from parties other than the government. The prohibition on government substantially burdening a person's exercise of religion is modified to prohibit "state action" (defined as any action by the government or the implementation or application of any law by the government or nongovernmental persons) from doing so.

First sponsor: Sen. Yarbrough

S1064: FIREARM; DEFINITION

Modifies the statutory definition of "firearm" to exclude weapons manufactured before January 1, 1899, weapons that may readily be converted to expel a projectile by expanding gases, and firearms that are incapable of being fired without mechanical repair by the use of tools or the replacement of parts, instead of excluding firearms in permanently inoperable condition.

First sponsor: Sen. Murphy

S1067: DEATH PENALTY; REPEAL

Repeals the death penalty, the Capital Postconviction Public Defender Office, and all related statutes. Crimes currently punishable by death are punishable by natural life imprisonment. If the court imposes a natural life sentence, the court is required to order that the defendant not be released on any basis for the remainder of the defendant's natural life. As session law, the Supreme Court is required to remand each case in which a sentence of death was imposed before the effective date of this legislation to the court in the appropriate county, where that court must strike the death sentence and enter in its place a sentence of natural life, which is not subject to commutation, parole, community supervision, work furlough or work release.

First sponsor: Sen. Ableser

S1080: ARIZONA SENTENCING COMMISSION

Establishes the Arizona Sentencing Commission to collect data and evaluate the effectiveness of Arizona's sentencing practices and policies. Commission membership, initial terms, and powers and duties are specified. The Commission is required to annually submit a report to the chairpersons of the Judiciary Committees of the House of Representatives and the Senate. The Commission terminates on July 1, 2024.

First sponsor: Sen. Bradley

S1122: MARIJUANA; DEFINITION

For the purpose of the Criminal Code, the definition of "marijuana" does not include the plant cannabis sativa L and any part of the plant.

First sponsor: Sen. Ward

S1156: PROHIBITED ELECTRONIC DATA; METADATA COLLECTION

State agencies, political subdivisions and their employees and contractors are prohibited from providing assistance to any federal agency or complying with any federal law that purports to authorize the collection of electronic data or metadata of any person pursuant to any action that is not based on a warrant that "particularly describes" the person, place and thing to be searched or seized. The State Treasurer is prohibited from transferring any monies to a political subdivision in the fiscal year after a final judicial determination that the political subdivision adopted a rule or policy that intentionally violated this prohibition. An agent or employee in violation is deemed to have resigned and is forever after ineligible to hold any office of trust, honor or emolument under the laws of Arizona.

First sponsor: Sen. Ward

S1338: MEDICAL MARIJUANA FUND; RESEARCH ALLOCATION

The Department of Health Services is required to annually allocate up to 20 percent of the monies remaining in the Medical Marijuana Fund at the end of the fiscal year to the Biomedical Research Commission for marijuana research conducted in a university setting in Arizona. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Sen. Ward

S1358: REPORTING; UNDERAGE DRINKING; IMMUNITY

A person who is under 21 years of age is immune from prosecution for underage drinking if a list of specified circumstances occur, including that the person requests emergency medical or law enforcement assistance, provides any relevant information requested by a law enforcement officer, and successfully completes a court approved educational program on the dangers of alcohol consumption at their own cost. If the person is under 18 years of age, the law enforcement officer is required to notify the person's parent or guardian of the incident.

First sponsor: Sen. Ward

S1359: IMMUNITY; UNDERAGE DRINKING; REPORTING

A person who is under 21 years of age is immune from prosecution for underage drinking if a list of specified circumstances occur, including that the person requests emergency

medical or law enforcement assistance, provides any relevant information requested by a law enforcement officer, and successfully completes a court approved educational program on the dangers of alcohol consumption at their own cost. If the person is under 18 years of age, the law enforcement officer is required to notify the person's parent or guardian of the incident.

First sponsor: Sen. Ward

S1405: PUBLIC EMPLOYEE MISCONDUCT; CIVIL ACTION

A public employee is personally liable for any damage a person suffers as a result of the employee's gross negligence, malicious conduct or reckless disregard of the damages that could occur. In a civil action, the court may award actual damage, equitable relief, punitive damages, reasonable attorney fees and costs, and any other relief the court deems proper.

First sponsor: Sen. Murphy

Neutral

Bill Summaries

H2057: SETTING ASIDE CONVICTION; PUBLIC RECORDS

On request and showing of good cause, a judge, justice of the peace or magistrate is authorized to seal the record of a person whose judgment of guilt is set aside. Public agencies are prohibited from knowingly displaying or disclosing any information in a sealed record.

First sponsor: Rep. Kavanagh

H2103: CONCEALED CARRY PERMIT; QUALIFICATIONS

An applicant who is at least 19 years of age, instead of the required 21 years of age, may qualify for a concealed weapons permit if the applicant provides evidence of current military service or proof of honorable discharge from the U.S. armed forces, reserves or a state national guard.

First sponsor: Rep. Townsend

H2105: COURT-ORDERED EVALUATIONS; PEACE OFFICERS

Peace officers are authorized to take into custody any individual the officer has probable cause to believe is a danger to self or others as a result of a mental disorder, instead of only those individuals where the probable cause is based on the officer's own observations. Emergency clause.

First sponsor: Rep. Kavanagh

H2112: WEIGHTS; MEASURES; FALSE STATEMENT; PENALTY

It is a class 2 misdemeanor to knowingly file with the Department of Weights and Measures any notice, statement or other document required by licensing-related statute if that document is false or contains any material misstatement of fact.

First sponsor: Rep. Fann

H2143: SALVIA DIVINORUM; UNLAWFUL ACTS; DEFENSE

It is a class 2 misdemeanor for a person to sell, distribute, administer or give, or offer to sell, distribute, administer or give "salvia divinorum" (defined) to a person who is under 21 years of age. It is an affirmative defense to a prosecution for a violation that the person reasonably relied on fraudulent proof of age.

First sponsor: Rep. Meyer

H2153: EXERCISE OF RELIGION; STATE ACTION

For the purpose of statutory protection of exercise of religion, the definition of "exercise of religion" is expanded to mean any practice or observance of religion, and the definition of "person" is expanded to include any individual, association, partnership, corporation, church, estate, trust, foundation or other legal entity (in addition to religious assembly or institution). A person whose religious exercise is burdened in violation of statute may assert that violation as a claim or defense in a judicial proceeding even if the government is not a party to the proceeding, and may obtain appropriate relief from parties other than the government. The prohibition on government substantially burdening a person's exercise of religion is modified to prohibit "state action" (defined as any action by the government or the implementation or application of any law by the government or nongovernmental persons) from doing so.

First sponsor: Rep. E. Farnsworth

H2192: UNLAWFUL USE; PUBLIC RESOURCES; OFFENSE

Establishes the crime of unlawful use of public resources for a person not lawfully present in Arizona who "uses any public resource" (defined as driving on a public road, accepting any public benefit, attending a public school or using the services of any public entity). A violation is a class 1 (highest) misdemeanor. A second or subsequent violation is a class 6 (lowest) felony.

First sponsor: Rep. Seel

H2207: UNLAWFUL DISCHARGE OF FIREARMS; INTOXICATION

It is a class 6 (lowest) felony for a person to discharge a firearm with criminal negligence while s/he has an alcohol concentration of 0.08 or more. A law enforcement officer who has a reasonable suspicion to believe that a person has committed a violation must require the person to submit to a blood, breath or urin test to determine blood alcohol concentration. A person who is convicted of a violation is prohibited from filing for the restoration of the right to possess or carry a firearm for five years from the date of the person's discharge from probation or absolute discharge from imprisonment.

First sponsor: Rep. Orr

H2215: RACKETEERING; ANIMAL FIGHTING; COCKFIGHTING

For the purpose of the criminal code, the definition of "racketeering" is expanded to include animal fighting or cockfighting.

First sponsor: Rep. Sherwood

H2251: STAND YOUR GROUND STUDY COMMITTEE

Establishes a 15-member Stand Your Ground Study Committee to research and report on various items related to not having a duty to retreat before threatening or using deadly force. The Committee must submit a report to the Governor and the Legislature by December 31, 2014. Self-repeals October 1, 2015.

First sponsor: Rep. Quezada

H2296: CUSTODIAL INTERFERENCE; DEFENSE

The statutory defenses to a prosecution for custodial interference may be used for any action that constitutes custodial interference, instead of only specified actions.

First sponsor: Rep. Smith

H2318: DOMESTIC VIOLENCE; ARREST PREDOMINANT AGGRESSOR

Before arresting both parties for domestic violence, a peace officer is required to evaluate each alleged act of domestic violence to determine if either party was the predominant aggressor based on specified factors. If the officer determines that one party is the predominant aggressor, the officer may choose not to arrest the other party.

First sponsor: Rep. J. Pierce

H2339: FIREARMS; PERMIT HOLDERS; PUBLIC PLACES

It is not misconduct involving weapons by carrying a deadly weapon at a public establishment or event if the person possesses a valid concealed weapons permit. Does not apply to public establishments or events that have security personnel and electronic weapons screening devices and that require each person carrying a deadly weapon to leave it in possession of the security personnel while the person is in the establishment or event.

First sponsor: Rep. Barton

H2363: DRIVING ON SUSPENDED LICENSE; PENALTY

If a person who drives when the person's privilege to drive was suspended for failure to pay a civil penalty for a traffic violation presents evidence to the court that the license has been reinstated, the court is authorized to find the person responsible for a civil traffic violation and impose a civil penalty of up to \$250.

First sponsor: Rep. Boyer

H2365: DRUG POSSESSION; MEDICAL ASSISTANCE; PROBATION

The court is required to place a person convicted of possession or use of a controlled substance or drug paraphernalia on probation if the court finds that evidence for the possession charge was obtained as a result of the person seeking medical assistance for themselves or another person. If the person successfully completes probation, the court must automatically set aside the judgment of guilt.

First sponsor: Rep. Mendez

H2375: CHILD ABUSE; INVESTIGATION PROTOCOLS

The protocols that county and local law enforcement are required to develop for

investigations of allegations of criminal child abuse or neglect must include procedures and recommendations for the use of a "children's advocacy center" (defined) for the investigation, prosecution and treatment of child abuse.

First sponsor: Rep. Gonzales

H2399: PROSTITUTION; CHILDREN; TRAFFICKING

It is a class 1 (highest) misdemeanor to knowingly enter a house of prostitution or engage a prostitution enterprise for the purpose of paying money or other consideration for sexual conduct. It is no longer a class 1 misdemeanor to knowingly be an employee at a house of prostitution or prostitution enterprise. A minor who is a victim of child prostitution cannot be charged with a violation of prostitution or child prostitution.

First sponsor: Rep. Saldate

H2412: FIREARMS; SCHOOLS; SAFETY DESIGNEE PROGRAM

Establishes the Optional School Safety Designee Program in the Attorney General's office. The Attorney General is required to provide training to a school district or charter school employee who has been approved and designated by the school board or charter school governing body to store a firearm on the school campus for the purpose of defending the campus. Requirements for the Program are specified. The prohibition on the possession of firearms on school grounds does not apply to a firearm possessed by a person who has completed the Program. The program terminates on July 1, 2024.

First sponsor: Rep. Stevens

H2460: PROBATION; COMMUNITY SUPERVISION; SEARCH; SEIZURE

The court is prohibited from placing a defendant who is convicted of a felony offense on probation unless the defendant agrees in writing to allow a peace officer, with or without a warrant, to conduct a search or seizure of the person based on reasonable suspicion at any time of the day or night. Prior to releasing a prisoner to a term of community supervision, the Department of Corrections must require the prisoner to agree in writing offense on probation unless the defendant agrees in writing to allow a peace officer, with or without a warrant, to conduct a search or seizure of the person based on reasonable suspicion at any time of the day or night.

First sponsor: Rep. E. Farnsworth

H2474: MARIJUANA; SENTENCE; CIVIL PENALTY; FINES

Reduces the criminal classification for possession or use of marijuana with a specified weight as follows: less than one ounce is subject to a civil penalty of up to \$100, from a class 6 (lowest) felony; at least one ounce but less than two pounds is reduced to a petty offense, from a class 6 felony; two pounds or more to a class 3 (mid-level) misdemeanor, from either a class 4 or 5 felony. Reduces the criminal classification for importing, transporting for sale or selling marijuana with a specified weight as follows: less than two pounds to a class 3 misdemeanor, from a class 5 (second-lowest) felony; at least two pounds but less than four pounds to a class 6 felony, from a class 4 felony; more than four pounds to a class 5 felony, from a class 3 felony. The court must order a juvenile who is adjudicated delinquent for a first violation of these marijuana related violations to complete at least 10 hours of community restitution in lieu of other penalties. If the community restitution is not complete within one year, the juvenile is subject to all other penalties prescribed by law.

First sponsor: Rep. Cardenas

H2480: PROSTITUTION; SENTENCING

A person who has previously been convicted of three or more violations of prostitution and commits a subsequent violation of prostitution is no longer guilty of a class 5 (second-lowest) felony and subject to increased penalties. The classification of prostitution as a class 1 (highest) misdemeanor remains in place.

First sponsor: Rep. Mach

H2483: FIREARMS; PRIVATE LAND; LAWFUL DISCHARGE

County ordinances are prohibited from preventing, restricting or otherwise regulating the lawful discharge of a firearm or air gun or use of archery equipment on a private lot or parcel of land that is not open to the public on a commercial or membership basis. The otherwise lawful discharge of a firearm or air gun or use of archery equipment cannot be enjoined by the court except under specified circumstances shown by clear and convincing evidence.

First sponsor: Rep. Kavanagh

H2490: APPROP; MENTAL HEALTH FIRST AID

Appropriates \$250,000 from the general fund in FY2014-15 to the Department of Health Services for providing mental health first aid training for adults who regularly interact with adolescents.

First sponsor: Rep. Steele

H2505: LEAVING ACCIDENT SCENE; ALCOHOL; PENALTY

If the court finds by a preponderance of the evidence that a person's use of intoxicating liquor, drugs, or vapor releasing substances was a contributing factor to a motor vehicle accident, the court is required to order the person to complete alcohol or other drug screening. If the person's driver license or permit is suspended as a result of a conviction related to the accident, the screening must be a condition of license reinstatement. Additionally, the penalty for a driver failing to render reasonable assistance to a person injured in an accident caused by the driver is increased to a class 6 (lowest) felony, from a class 3 (mid-level) misdemeanor.

First sponsor: Rep. Gray

H2531: COURT-ORDERED EVALUATION SERVICES; PAYMENT

If a person is eligible for federal behavioral health benefits, the cost of court ordered services provided by a county are a charge against the county in which the person resided to the extent of the nonfederal share of the cost of the service. If a person has private health insurance coverage, the person's private health insurer is considered the primary payor and the cost of court ordered services provided by a county will be a charge against the county only to the extent that the private health insurance benefits are insufficient to cover the full cost of the services.

First sponsor: Rep. Brophy McGee

H2542: LOADED FIREARMS; STORAGE

It is unlawful for a person to store or keep any loaded firearm on any premises under the person's control if the person knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the minor's parent or guardian, unless the firearm is kept in a securely locked box or container or is carried on his person. Violations are a class 1 (highest) misdemeanor, except that if a minor obtains a firearm stored or kept in violation and kills himself or another person, it is a class 3 (mid-level) felony, and if the minor injures himself or another person, it is a class 4 (mid-level) felony.

First sponsor: Rep. Steele

H2565: MANSLAUGHTER; ASSISTING SUICIDE

The definition of "manslaughter," a class 2 (second-highest) felony, is modified to include intentionally offering or providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide, instead of intentionally aiding another to commit suicide.

First sponsor: Rep. J. Pierce

H2571: CRIMINAL DAMAGE; ECONOMIC COSTS

In determining the amount of damage to property for the purpose of classifying criminal damage or aggravated criminal damage, damages include labor costs of any kinds, material costs of any kind and any costs that are attributed to equipment used to abate or repair the damage.

First sponsor: Rep. Escamilla

H2581: CRIMINAL TRESPASS; LAW ENFORCEMENT OFFICERS

For the purpose of criminal trespass, a law enforcement officer who makes a reasonable request to leave may be acting at the request of the property owner or any other person having lawful control over the property.

First sponsor: Rep. Allen

H2587: LIVESTOCK; ANIMAL CRUELTY; VIOLATION

It is a class 1 (highest) misdemeanor to intentionally or knowingly cause injury or undue suffering to livestock. Only the Director of the Department of Agriculture or the Director's designee has the authority to investigate an alleged violation. The list of acts constituting cruelty to animals is expanded to include intentionally or knowingly "hoard animals" (defined). A person who commits a second or subsequent violation of cruelty to animals may be prohibited from owning any type of animal.

First sponsor: Rep. Barton

S1226: FINGERPRINT CLEARANCE CARDS; HUMAN TRAFFICKING

The list of persons precluded from receiving a fingerprint clearance card is expanded to include persons convicted of or awaiting trial on trafficking of persons for forced labor or services.

First sponsor: Sen. Crandell

S1246: ANTI-RACKETEERING REVOLVING FUND; USE

The list of permitted uses for monies in the Anti-Racketeering Revolving Fund is expanded to include sex trafficking education programs.

First sponsor: Sen. Dalessandro

Information Only

Bill Summaries

H2029: LAETRILE; PROHIBITION

The nutritional supplement amygdalin or laetrile is no longer exempt from the prohibition on manufacturing, selling or giving away any new drug unless it fully complies with federal laws and regulations. Statutes regulating the distribution and sale of amygdalin or laetrile are repealed.

First sponsor: Rep. Kavanagh

H2133: PEACE OFFICERS; UNITED STATES CITIZENSHIP

To the extent permitted under federal law, any person who applies for a peace officer position must be a citizen of the U.S. and must provide proof of citizenship as part of the employment application.

First sponsor: Rep. Mitchell

H2151: CERTIFICATION; FAMILY-ORIENTED GAMING

The Department of Gaming is required to certify a business for family-oriented gaming if the business complies with a list of specified requirements, including that it offers to the public a device, game or contest that is played for entertainment and where skill is the predominant factor in the game instead of chance, that it is located in a permanent structure, and that it has no area that is age restricted. The Dept is authorized to adopt rules to carry out this chapter, prescribe a fee for certification, and inspect a certified business up to two times each calendar year. Conditionally repealed if a tribe finds that family-oriented gaming is a new form of gaming and notifies the state of its finding pursuant to the tribal-state gaming compact.

First sponsor: Rep. E. Farnsworth

H2217: ANIMAL ABUSER REGISTRATION; REGISTRY

An adult who has been convicted of cruelty to animals or other related offenses must register with the county sheriff within 10 days after the conviction or after entering and remaining in that county. The Department of Public Safety is required to maintain a central animal abuser registry with the names and registration information of every person required to register.

First sponsor: Rep. Sherwood

H2243: GRAFFITI IMPLEMENTS; UNLAWFUL ACTS; MINORS

It is a class 1 misdemeanor for a minor to possess a "graffiti implement" (defined) while on public or private property without the express consent of the owner or responsible agent of

the property. Some exceptions. It is a class 1 misdemeanor for a minor to misrepresent their age with intent to induce another person to sell or furnish a graffiti implement to the minor. It is a class 3 misdemeanor for a minor to solicit another person to purchase, sell or furnish the minor with a graffiti implement. It is unlawful for any person who owns or operates a business where graffiti implements are sold to store or display them in an area accessible to the public without employee assistance. Violations are subject to a civil penalty of at least \$500.

First sponsor: Rep. Campbell

H2249: PRIVATE PRISON SECURITY OFFICERS; CERTIFICATION

Security officers employed by a private prison contractor must be certified by the AZ Peace officer Standards and Training Board. Private prison contractors security guards have no authority or jurisdiction outside the grounds of a private prison facility. A person who exercises the authority or performs the duties of a peace officer without being AZPOST certified is guilty of a class 1 misdemeanor.

First sponsor: Rep. Campbell

H2310: CRIMINAL JUSTICE INFO; COURT REPORTING

The list of entities authorized to exchange criminal justice information with the central state repository or through the Arizona criminal justice information system is expanded to include the superior court for the purpose of determining an individual's eligibility for court programs. The exemption from reporting court dispositions for traffic arrests no longer includes arrests for violations of driving under the influence.

First sponsor: Rep. J. Pierce

H2336: FIREARMS; LAW ENFORCEMENT OFFICERS

A peace officer or retired peace officer may be prohibited from carrying a firearm when consuming alcohol at any licensed liquor establishment, instead of only licensed liquor establishments operated by the state, a county, a municipality or any other political subdivision.

First sponsor: Rep. Barton

H2345: CONCEALED CARRY; PERMIT REQUIREMENTS; OFFENSE

The requirements for a concealed weapons permit are modified to require an applicant to satisfactorily complete a firearms safety training program approved by the Department of Public Safety. Requirements for firearms safety programs are specified. It is misconduct involving weapons for a person to knowingly carry a deadly weapon without a permit concealed on the person or within immediate control of any person in or on a means of transportation. Some exceptions. On conviction, the court may order the forfeiture of the weapon. Carrying a concealed weapon and failing to present a permit on request of law enforcement is a class 2 misdemeanor.

First sponsor: Rep. Campbell

H2346: FIREARMS; SALES; TRANSFERS; BACKGROUND CHECKS

If neither party to a prospective "assault weapon" (defined) sale or transfer is a licensed firearms dealer, the parties must complete the transaction through a licensed firearms

dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement. The dealer may charge a fee of up to \$50 for the costs incurred in facilitating the sale or transfer. Violations are a class 1 (highest) misdemeanor. Operators of "firearm shows" are required to notify all firearm exhibitors in writing and post signs at the show stating that a national instant criminal background check must be completed before all firearm sales or transfers. Violators of firearm show regulations are subject to a civil penalty of up to \$10,000 per violation. It is a class 1 misdemeanor to sell or transfer a firearm at a firearm show to a person who has not had a background check.

First sponsor: Rep. Campbell

H2347: PRIVATE PRISONS; PRISONER TRANSFER; PROHIBITION

Beginning on the effective date of this legislation, private prisons cannot accept the transfer of an adult prisoner from another state. Also, the photographs and fingerprints of all prisoners incarcerated in private prison facilities are public record.

First sponsor: Rep. Campbell

H2348: PRIVATE PRISONS; PRISONERS; FACILITY; LIMITS

Beginning on the effective date of this legislation, private prisons are prohibited from housing more prisoners than the number who were housed on the effective date, and are prohibited from building or purchasing a new private prison facility or expanding a private prison facility in Arizona.

First sponsor: Rep. Campbell

H2351: PRIVATE PRISON STUDY COMMITTEE

Establishes a 19-member Private Prison Study Committee to research and report on the impact of private prisons on the safety of the public and prisoners, the economic efficiency of housing prisoners in private facilities, and the provision of constitutionally appropriate services for prisoners at private prisons. The Committee must submit a report to the Governor and the Legislature by December 31, 2014. Self-repeals October 1, 2015.

First sponsor: Rep. Campbell

H2352: PROHIBITED POSSESSOR; VOLUNTARY COMMITMENT; RESTORATION

For the purpose of regulations on weapons, the definition of "prohibited possessor" is expanded to include a person who has been voluntarily hospitalized for mental health evaluation, care and treatment. A prohibited possessor for this circumstance may apply to a court where they reside to restore their right to possess a firearm.

First sponsor: Rep. Campbell

H2353: TRANSPORTATION FOR INPATIENT EVALUATIONS

If a guardian who has mental health treatment authority requires the assistance of a peace officer to transport a ward in need of inpatient mental health treatment or evaluation, the guardian may file a petition for an order directing a peace officer to take the ward into protective custody and transport the ward to a level one behavioral health

facility or a hospital.

First sponsor: Rep. Campbell

H2354: ADULT INCARCERATION CONTRACTS; COST COMPARISON

The Department of Corrections is required to conduct a biennial comparison of private prison contractors to the state in operating similar facilities, based on professional correctional standards specified by the Dept's director. The comparison is used to determine if the contractor is providing at least the same quality of services at a lower cost or superior quality services at the same cost. Factors that must be considered in the comparison are listed. The director is required to provide the comparison to the Joint Legislative Budget Committee for contractors who contract exclusively with the Dept.

First sponsor: Rep. Campbell

H2356: MANDATORY MENTAL HEALTH EVALUATION; ADMISSION

If a peace officer has contact with a person possessing a firearm and the officer has probable cause to believe that the person is a danger to self or others as a result of mental illness, the officer must apply for a court-ordered evaluation or an emergency admission for evaluation. The peace officer is also required to temporarily seize the firearm.

First sponsor: Rep. Campbell

H2359: TEENAGE DRIVERS; COMMUNICATION DEVICES PROHIBITED

For the first six months that a class G driver licensee holds the license, the licensee is prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard. Does not apply beginning on the licensee's 18th birthday. Instruction permit holders for a class D or G driver license are prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard. Effective July 1, 2015.

First sponsor: Rep. Fann

H2370: CORRECTIONS DEPT; VISITOR FEE REPEAL

Deletes the authorization for the Department of Corrections to establish by rule a one-time fee for conducting background checks on any person who enters a Dept facility to visit a prisoner.

First sponsor: Rep. Gonzales

H2373: IMMIGRATION; LAW ENFORCEMENT; REPEAL

Repeals the following statutes established by Laws 2010, Chapter 113 (S1070): the prohibition on state and local government agencies or governing bodies restricting the enforcement of federal immigration law; the requirement for law enforcement officials to determine the immigration status of a person at any lawful stop or arrest where reasonable suspicion exists that the person is unlawfully present in the U.S.; provisions allowing law enforcement to arrest without warrant any person the officer has probable cause to believe has committed a public offense that makes the person removable from the U.S.; the defense

of entrapment for employers found to be employing unauthorized aliens; the establishment of willful failure to complete or carry an alien registration document, unlawful stopping to hire and pick up passengers for work, and unlawful application for employment or employment by an unauthorized alien as class 1 misdemeanors; the requirement that a vehicle driven in furtherance of the illegal presence of an alien in the U.S. and in violation of a criminal offense be immobilized or impounded; and the establishment of the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

First sponsor: Rep. Gonzales

H2392: CHILD WELFARE; PLACEMENT; PRESCRIPTION DRUGS

For a child younger than five years of age who is in state custody, the Department of Economic Security is required approve the prescription of an antipsychotic or neuroleptic medication. Guidelines for approval are outlined. Requires the Dept to request a waiver or authorization from a federal agency if necessary for implementation, and allows the Dept to delay implementation until the waiver or authorization is granted.

First sponsor: Rep. Lesko

H2401: CHILDREN; ASSESSMENT; INVESTIGATION PROTOCOLS; REPORTS

The list of people that Child Protective Services annual reports on child safety assessments and investigations must be transmitted to is expanded to include the chairmen and members of the Senate and House of Representatives Committees on Health or their successor committees, and the Attorney General.

First sponsor: Rep. Saldate

H2420: TECH CORRECTION; REBATE SET-ASIDE

Minor change in Title 35 (Public Finances) related to federal income tax considerations. Apparent striker bus.

First sponsor: Rep. Stevens

H2421: TECH CORRECTION; BOND CONTRACTS

Minor change in Title 35 (Public Finance) related to state bond contracts. Apparent striker bus.

First sponsor: Rep. Stevens

H2447: CRIMINAL RESTITUTION WRITS; TIME LIMIT

The garnishee is required to answer a writ of criminal restitution in the court issuing the writ within seven days, decreased from ten days, after being served.

First sponsor: Rep. Gowan

H2518: JUSTIFICATION; DEADLY PHYSICAL FORCE; EXCEPTIONS

A person is not justified in threatening or using deadly physical force against another person if the person either leaves a place of safety and actively pursues the other person who is engaged in a lawful activity or pursues the other person after a law enforcement

Officer requests that the person retreat to a place of safety.

First sponsor: Rep. Mendez

H2546: ALARM BUSINESSES; ALARM AGENTS; REGULATION

Various changes relating to the regulation of alarm businesses and alarm agents, including prohibiting the Board of Technical Registration from exercising any power over an alarm business that is a licensed contractor or an alarm agent that is an employee of an alarm business that is a licensed contractor.

First sponsor: Rep. Gowan

H2574: ABORTION; CRIMINAL CLASSIFICATIONS; CIVIL ACTIONS

The criminal classifications for a physician knowingly performing a partial-birth abortion, performing an abortion based on the sex or race of the child, performing an abortion on a minor without obtaining parental consent and performing an abortion after the gestational age of the unborn child is at least 20 weeks are deleted. The lists of persons authorized to file a civil action to obtain appropriate relief for these violations are also eliminated.

First sponsor: Rep. Meyer

H2590: GRAFFITI IMPLEMENTS; UNLAWFUL ACTS

It is a class 1 misdemeanor for a minor to possess a "graffiti implement" (defined) while on public or private property without the express consent of the owner or responsible agent of the property. Some exceptions. It is a class 1 misdemeanor for a minor to misrepresent their age with intent to induce another person to sell or furnish a graffiti implement to the minor. It is a class 3 misdemeanor for a minor to solicit another person to purchase, sell or furnish the minor with a graffiti implement. It is unlawful for any person who owns or operates a business where graffiti implements are sold to store or display them in an area accessible to the public without employee assistance. Violations are subject to a civil penalty of at least \$500.

First sponsor: Rep. Campbell

H2603: TANF RECIPIENTS; DRUG CONVICTIONS; NOTIFICATION

If the court has knowledge that a person convicted of a drug offense receives Temporary Assistance for Needy Families cash benefits, a copy of the judgment and sentence must be sent to the Department of Economic Security.

First sponsor: Rep. Borrelli

H2626: CAUSING; BENEFITTING FROM CHILD PROSTITUTION

The crime of knowingly causing a minor to engage in prostitution, permitting a minor under the person's control to engage in prostitution, receiving any benefit for placing a minor in the custody of a person for the purpose of prostitution, or financing, managing, controlling or owning prostitution activity involving a minor is deleted from the definition of "child prostitution" and established as a separate crime designated "causing or benefiting from child prostitution." Increases the minimum, presumptive and maximum sentences for a second or subsequent violation of causing or benefiting from child prostitution within a period of 84 months.

First sponsor: Rep. Orr

H2628: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS

Private prisons that contract with any governmental entity must make public all records relating to costs, operations, staff and inmates to the same extent required of publicly operated prisons or jails.

First sponsor: Rep. Campbell

H2629: PRIVATE PRISONS; REGULATION

Private prisons must comply with either the American Corrections Association Accreditation capacity requirements or the Department of Corrections published prison construction standards. Private prisons must immediately notify the Dept of any major incident involving public health or safety that occurs at the private prison. Establishes requirements for private prisons that house another state's prisoners or federal prisoners, including the type of prisoners that may be housed and information that must be provided to the Dept. Private prisons are liable for their operation and the persons under their authority.

First sponsor: Rep. Campbell

H2631: DESTRUCTION; FORFEITED OR UNCLAIMED FIREARMS

Forfeited weapons are no longer required to be sold within one year after forfeiture, and must be sold to businesses authorized under local law in addition to federal and state law. Statute providing a separate process for the sale of unclaimed firearms is deleted, thereby allowing firearms to be sold or disposed of in the same manner as any other unclaimed property.

First sponsor: Rep. Campbell

H2632: PROHIBITED POSSESSOR; ORDER OF PROTECTION

For the purpose of regulations on weapons, the definition of "prohibited possessor" is expanded to include a person who is subject to an order of protection that prohibits the person from possessing a firearm and that was issued after a hearing that the person had an opportunity to participate in.

First sponsor: Rep. Campbell

H2638: CPS INFO; LAW ENFORCEMENT; PROSECUTORS

The Department of Economic Security or a person who receives CPS information must provide that information to specified government agencies or service providers to help investigate and prosecute any violation involving domestic violence or violent sexual assault.

First sponsor: Rep. Townsend

H2639: IDENTITY THEFT; VIOLATION; PENALTIES

The criminal classification for knowingly accepting the identity of another person in hiring an employee is changed to aggravated identity theft, a class 3 (mid-level) felony, instead of identity theft, a class 4 (lower mid-level) felony. A person convicted of aggravated identity theft is not eligible for suspension of sentence, probation, pardon or release from

confinement, with some exceptions.

First sponsor: Rep. Townsend

H2640: GOVT INVESTIGATIONS; INDEPENDENT 3RD PARTY

If a municipal governing body, county board of supervisors or the state calls for an investigation of a municipal, county or state agency or department, the municipal governing body, county board of supervisors or state is required to contract with an independent third party selected by the Auditor General to conduct the investigation.

First sponsor: Rep. Townsend

H2641: TOBACCO PRODUCTS; SCHOOLS; BUSINESS PREMISES

The criminal classification for furnishing tobacco products to a minor is increased to a class 2 (second highest) misdemeanor, from the petty offense, and the definition of "tobacco product" is modified. "Electronic smoking devices" (defined) are prohibited on school grounds. Business owners are authorized to prohibit the use of an electronic smoking device by any person who is on the premises of the business.

First sponsor: Rep. Townsend

H2655: IMMIGRATION DETAINERS; LAW ENFORCEMENT; RECORDS

A "law enforcement official" may detain a person on an "immigration detainer" (both defined) after that person is eligible for release from criminal custody only if all of a list of specified conditions are satisfied, including that the person has previously been convicted of a violent or aggravated felony and that the state or local agency detaining the person is fully reimbursed for the costs of the detention. Unless an immigration agent has a criminal warrant or a state law enforcement agency has a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, U.S. Immigration and Customs Enforcement Agents cannot be given access to a person who is in local or state custody or be allowed to use local or state facilities for investigative interviews or other purposes. Severability clause.

First sponsor: Rep. Mendez

H2671: IMMIGRATION LAW PRACTICE ACT; COSTS

If a person who files an action for civil remedies under the Immigration and Nationality Law Practice Act substantially prevails in the action, the court is authorized to award attorney fees and other legal costs that are reasonably incurred in the action. The county attorney is authorized to initiate appropriate proceedings to prevent or stop violations of the Act.

First sponsor: Rep. Escamilla

H2680: CAPITAL PUNISHMENT STUDY GROUP

Establishes a 19-member Capital Punishment Study Group to conduct a thorough study of all matters relating to the administration of capital punishment and submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2014. Self-repeals January 1, 2015.

First sponsor: Rep. Orr

H2688: FIREWORKS; PERMISSIBLE USES; FINES

Modifies the definition of "permissible consumer fireworks." Sellers of fireworks that are to be shipped directly out of Arizona or fireworks that are to be used for managing wildlife are required to maintain specified information on the sale for a period of five years and make that information available on request to the State Fire Marshal or Local Fire Marshal. Failure to maintain or make available the information is subject to a fine of \$500 per violation. Establishes fines and penalties for various other violations of fireworks regulations.

First sponsor: Rep. Gowan

H2690: PHOTO RADAR; CALIBRATION; TRAFFIC TICKETS

Every local authority or state agency using a photo enforcement system is required to calibrate the system at least once in a 24 hour period. If a traffic complaint is issued for a violation detected by a photo enforcement system, the complaint is required to contain a date and time of the most recent calibration that is within a 24 hour period before the complaint is issued or the court is required to dismiss the complaint.

First sponsor: Rep. Gowan

S1049: DUTY TO REPORT ABUSE; RECORDS

Schools are permitted, rather than required, to maintain a written record of incidents where a physical injury to a minor in elementary school occurs accidentally in the course of typical playground activity during a school day and is reported to the child's parent or guardian.

First sponsor: Sen. Griffin

S1063: MISCONDUCT INVOLVING WEAPONS; FIREARM STORAGE

It is not misconduct involving weapons to enter a public establishment or attend a public event while carrying a deadly weapon after a reasonable request by the operator or sponsor of the event to remove the weapon and place it in temporary and secure storage if the public establishment or event is not in full compliance with statutory firearm storage requirements.

First sponsor: Sen. Murphy

S1068: LEGISLATORS; DISCLOSURE OF INTEREST

Legislators casting a vote on legislation in which the legislator has a "direct financial interest" (defined) must prepare a written statement on the interest and file the statement with the Chief Clerk of the House or Secretary of the Senate. Some exceptions. The statement must be posted on the Legislature's website. Violations are a class 1 misdemeanor.

First sponsor: Sen. Ableser

S1078: DEPARTMENT OF CHILD SERVICES

Establishes the Department of Child Services to encompass the children and families programs of the state, including Child Protective Services, services to children in the juvenile corrections system, licensing and regulation of child care programs and foster

homes, and adoption certification. The Director of the Dept is appointed by the Governor, and the powers and duties of the Director are established. The Dept terminates on July 1, 2025. Session law provides that the Dept succeeds to the authority, powers, duties and responsibilities of the Department of Economic Security and the Department of Health Services for the functions specified. Effective July 1, 2015.

First sponsor: Sen. Bradley

S1118: HUNTING ON PRIVATE LAND; TRESPASSING

The list of circumstances under which the entry of a person for the taking of wildlife is grounds for an action for criminal trespassing is expanded to include that the person knowingly remains unlawfully on the property after a reasonable request to leave by a law enforcement officer acting at the request of the owner.

First sponsor: Sen. S. Pierce

S1163: TEXTING WHILE DRIVING; TRANSPORTATION VEHICLES

A person is prohibited from using a handheld wireless communication device to make or receive a telephone call, engage in a telephone conversation or manually write, send or read a written message while operating a vehicle for public transit, a livery vehicle, taxi, limousine or a bus.

First sponsor: Sen. McGuire

S1196: PROCESS SERVERS; MOTOR VEHICLE RECORDS

The list of persons to whom the Department of Transportation may disclose personal information is expanded to include a certified process server in connection with any civil, criminal, administrative or arbitration proceeding.

First sponsor: Sen. Pancrazi

S1198: PROCESS SERVERS; ASSAULT

The list of victims of assault that make the assault classified as aggravated assault if the defendant knows of their profession is expanded to include "certified process servers" (defined) engaged in serving or attempting to serve process.

First sponsor: Sen. Pancrazi

S1263: FINANCIAL ABUSE OF ELDERS; REPORTS

A financial institution is required to report to the office of the Attorney General suspected financial abuse that targets or is committed against an elder if an officer or employee of a financial institution has a good faith suspicion that financial abuse has occurred. A person making a report that believes, in good faith, that the action is warranted is immune from civil or criminal liability.

First sponsor: Sen. Farley

S1266: MISCONDUCT INVOLVING WEAPONS; JUDICIAL OFFICERS

The list of persons exempt from the prohibition on carrying a deadly weapon in

specified circumstances, including in public buildings, is expanded to include an elected or appointed judicial officer in Arizona.

First sponsor: Sen. S. Pierce

S1278: PEACE OFFICER TRAINING; CONSTITUTIONAL LAW

Peace officer training is required to include courses on the constitutional rights of people, including how the "profiling of motorcyclists" (defined) violates those rights.

First sponsor: Sen. Burges

S1285: ANTI-RACKETEERING REVOLVING FUND; EQUINE CARE

Monies in the Anti-Racketeering Revolving Fund may be used for the funding of equine care, feeding, handling and transportation for equines that have been involved in smuggling and that are in the care of the Department of Agriculture or a nonprofit animal rescue organization in Arizona.

First sponsor: Sen. Bradley

S1290: FEDERAL SEARCH; SEIZURE; SHERIFF; PERMISSION

Federal employees who are not certified as peace officers in Arizona are prohibited from making an arrest, search or seizure in Arizona without written permission from the county sheriff or sheriff's designee. Some exceptions. The sheriff is authorized to refuse permission for any reason the s/he considers sufficient. If a federal employee intends to arrest, search or seize an employee of the sheriff's office, an elected county or state officer, or a person/item with a "close connection with the sheriff," the employee must obtain written permission from the Attorney General instead of the sheriff. Permission is valid for 48 hours after it is signed.

First sponsor: Sen. Burges

S1291: NATIONAL DEFENSE LAWS; PROHIBITED ACTIONS

Notwithstanding any treaty, federal, state or local law, including sections 1021 and 1022 of the National Defense Authorization Act of 2012 (sections dealing with detainment without charge or trial and requirements for military tribunals) it is unconstitutional and unlawful for any person to arrest or capture any person in Arizona or any Arizona resident within the U.S. with the intent of detention under the law of war, subject a person to disposition under the law of war, or execute any person without judicial sentencing after trial and conviction in a court established under Article 3 of the U.S. Constitution. The Director of the Department of Public Safety or a county sheriff is required to report to the Governor and the Legislature any attempt by agencies or agents of the federal government to secure the implementation of any law enacted to be an authorization for use of military force. Contains legislative findings.

First sponsor: Sen. Burges

S1294: SECOND AMENDMENT VIOLATIONS; PROHIBITED ACTIVITIES

All federal acts, laws, orders, rules and regulations that are in violation of the second amendment of the U.S. Constitution, that are unauthorized by the Constitution and that violate the second amendment's "true meaning and intent as given by the founders and ratifiers of the U.S. Constitution" are invalid and void in this state. State agencies, political subdivisions and their employees are prohibited from enforcing any federal act, law, rule or

regulation that relates to a personal firearm, firearm accessory or ammunition within the limits of this state.

First sponsor: Sen. Ward

S1299: IMMIGRATION; LAW ENFORCEMENT; REPEAL

Repeals the following statutes established by Laws 2010, Chapter 113 (S1070): the prohibition on state and local government agencies or governing bodies restricting the enforcement of federal immigration law; the requirement for law enforcement officials to determine the immigration status of a person at any lawful stop or arrest where reasonable suspicion exists that the person is unlawfully present in the U.S.; provisions allowing law enforcement to arrest without warrant any person the officer has probable cause to believe has committed a public offense that makes the person removable from the U.S.; the defense of entrapment for employers found to be employing unauthorized aliens; the establishment of willful failure to complete or carry an alien registration document, unlawful stopping to hire and pick up passengers for work, and unlawful application for employment or employment by an unauthorized alien as class 1 misdemeanors; the requirement that a vehicle driven in furtherance of the illegal presence of an alien in the U.S. and in violation of a criminal offense be immobilized or impounded; and the establishment of the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

First sponsor: Sen. Gallardo

S1349: SCHOOLS; CORPORAL PUNISHMENT

If a school district or charter school allows "corporal punishment" (defined), the governing body of the school district or charter school is required to review the corporal punishment policy at a public meeting within one year after the effective date of this legislation and vote to either retain, revoke or modify the policy. Does not prevent a list of specified actions.

First sponsor: Sen. Hobbs

S1371: PROSTITUTION; CHILDREN

Various changes relating to child prostitution. For cases where the minor is 15, 16 or 17 years of age, the minimum, presumptive and maximum sentences are increased for a person who commits child prostitution by causing a minor to engage in prostitution or financing, controlling or owning prostitution activity involving a minor. It is a class 1 (highest) misdemeanor to knowingly enter a house of prostitution or engage a prostitution enterprise for the purpose of paying money or other valuable consideration for sexual conduct. A child may be taken into temporary custody by a peace officer or a Child Protective Services worker if probable cause exists to believe that the child is a victim or will imminently become a victim of child prostitution or sex trafficking. A minor who is a victim of child prostitution cannot be charged with a violation of child prostitution. A person who was previously convicted or adjudicated delinquent for such a violation may apply to the court that pronounced sentence or imposed probation to have the judgment of guilt or adjudication expunged.

First sponsor: Sen. Hobbs

S1375: CHILD ABUSE BY TORTURE; OFFENSE

It is a class 4 (mid-level) felony to commit "child abuse by torture" (defined). A person convicted of child abuse by torture for specified acts is not eligible for suspension of sentence, probation, pardon, commutation of sentence or release from confinement on

any basis.

First sponsor: Sen. Hobbs

S1376: SALE OF BPA PRODUCTS; PROHIBITION

Beginning January 1, 2016, it is illegal to manufacture or sell infant formula or baby food in a container that contains bisphenol A, or a child container that contains bisphenol A. Violations are subject to a civil penalty of up to \$5,000.

First sponsor: Sen. Hobbs

S1382: CONVICTED FELONS; ATTEMPTED WEAPON POSSESSION

The list of acts that constitute misconduct involving weapons is expanded to include attempting to possess a deadly weapon or prohibited weapon if the person is a prohibited possessor due to a felony conviction. A violation is a class 4 felony.

First sponsor: Sen. McGuire

S1383: LURING MINORS; SEXUAL EXPLOITATION; SENTENCE

Establishes minimum, presumptive and maximum terms of imprisonment for a person convicted of luring a minor for sexual exploitation if the person believed the other person was under 15 years of age, whether or not the other person is a minor, and for a person convicted of luring a minor for sexual exploitation if the person has been previously convicted of one predicate felony.

First sponsor: Sen. McGuire

S1400: PUBLIC SAFETY ASSISTANCE; COMMISSION; FUND

Establishes the Public Safety Officer Assistance Fund to assist public safety officers or families of officers who are killed or seriously injured in the line of duty. Establishes a 9-member Public Safety Officer Assistance Commission to administer the Fund. If a vehicle immobilizing or impounding agency is a municipality, county, the Department of Public Safety or the Capitol Polic, \$50 of the administrative charges collected for immobilization or impoundment are deposited in the Fund. The Commission terminates on July 1, 2024.

First sponsor: Sen. Shooter

S1406: DOMESTIC RELATIONS; POLICE REPORTS; ADMISSIBILITY

For the purpose of legal decision-making and parenting time proceedings, in any court proceeding involving a determination of the best interests of a child, the court is prohibited from admitting a police report without the testimony of the law enforcement officer who authorized the report unless other independent evidence is admitted that corroborates the information in the police report.

First sponsor: Sen. Murphy

S1410: DOMESTIC VIOLENCE OFFENSE; ARREST

The definition of "domestic violence" is expanded to include knowingly making a false statement to a government entity against another person if there is a specified relationship

between the victim and the defendant. If both parties allege that the other party committed an act of domestic violence and caused bodily harm or injury, a peace officer is required to arrest both parties if the evidence supports the allegations.

First sponsor: Sen. Murphy

S1411: ORDER OF PROTECTION; WARNINGS; HEARINGS

A petition for an order of protection must contain warnings to the petitioner that making a false accusation of domestic violence is perjury and that a substantiated false accusation of domestic violence may have an adverse effect in any child custody or marital relations proceeding. An order of protection must include a statement that the defendant has the right to object to the order using an attached form. The burden of proof to determine if an order of protection should remain in place is by clear and convincing evidence.

First sponsor: Sen. Murphy

S1431: INDEPENDENT EXPENDITURES; VIOLATIONS; CRIMINAL ENFORCEMENT

A person who knowingly makes a purported independent expenditure of \$25,000 or more and a person who knowingly receives the in-kind contribution of a purported independent expenditure of \$25,000 or more that does not meet the definition of independent expenditure are guilty of a class 5 (second lowest) felony.

First sponsor: Sen. Gallardo

S1437: JUSTIFICATION; DEADLY PHYSICAL FORCE; EXCEPTIONS

A person is not justified in threatening or using deadly physical force against another person if the person either leaves a place of safety and actively pursues the other person who is engaged in a lawful activity or pursues the other person after a law enforcement officer requests that the person retreat to a place of safety.

First sponsor: Sen. Gallardo

S1440: DRIVER LICENSES; AUTHORIZED PRESENCE PROOF

A federally issued employment authorization document is proof that a driver license applicant's presence in the U.S. is authorized under federal law, and fulfills that requirement for a driver license.

First sponsor: Sen. Gallardo

S1441: DRIVER LICENSES; LEGAL PRESENCE REPEAL

The Department of Transportation is no longer prohibited from issuing or renewing a driver license for a person who does not submit proof that the applicant's presence in the U.S. is authorized under federal law.

First sponsor: Sen. Gallardo

S1456: FIREARM SALES; BACKGROUND CHECKS; TRANSFERS

If neither party to a prospective firearms sale or transfer is a licensed firearms dealer, the parties must complete the transaction through a licensed firearms dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal.

state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement. The dealer may charge a fee of up to \$20 for the costs incurred in facilitating the sale or transfer. Violations are a class 5 (second-lowest) felony.

First sponsor: Sen. Gallardo

S1473: ATTORNEY LICENSE; PUBLIC LAW SCHOOL

The Supreme Court is required to license attorneys for the practice of law in Arizona, and must adopt rules to carry out this requirement. The Supreme Court is required to grant an attorney license to a person who graduates from a law school under the jurisdiction of the Arizona Board of Regents.

First sponsor: Sen. Driggs

S1479: CRIMINAL TRESPASS; OFFENSE

Knowingly entering or remaining on any real property when the person is violating any other federal or state law is added to the list of acts constituting criminal trespass in the third degree, a class 3 (mid-level) misdemeanor.

First sponsor: Sen. Griffin